

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RICHARD AUSTON,

Defendant.

:

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Case No. 3:04cr130 (2)

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JUDGE WALTER HERBERT RICE

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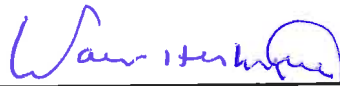
ENTRY REVERSING PRIOR NOTATION ORDER OVERRULING
DEFENDANT'S MOTION TO DISQUALIFY COUNSEL (DOC. #361);
NEW COUNSEL APPOINTED

Upon reflection, and upon reading the Defendant's letter to Court and counsel submitted May 20, 2012 (Doc. #362), this Court reverses its Notation Order of May 7, 2012, overruling the Defendant's *pro se* Motion to Dismiss Counsel. Trial counsel, Mr. Phillip Lehmkuhl, is relieved of any and all duty of representation of this Defendant, save and excepting the need to cooperate with successor counsel in the negotiation of a resolution of the pending forfeiture matter. This Court's ruling in no way bespeaks any dissatisfaction with Mr. Lehmkuhl, generally, or with his conduct in this case. Defendant having indicated that he "can have no repose in [Mr. Lehmkuhl's] representation," this Court thinks it to be the better part of wisdom to appoint successor counsel.

In Mr. Lehmkuhl's stead, this Court appoints Cheryll Bennett, Federal Public Defender, to represent the Defendant in pending forfeiture matters stemming from the captioned Indictment.

The Government shall have 90 days from date to file its reply to Defendant Auston's response to the United States' Memorandum in Support of Forfeiture or to provide a proposed entry resolving the forfeiture issues as to Defendant Auston.

June 13, 2012



WALTER HERBERT RICE
UNITED STATES DISTRICT JUDGE

Copies to:

Pam Stanek, Assistant United States Attorney
Cheryll Bennett, Federal Public Defender
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